

RECEIVED

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

|                                     |   |                      |
|-------------------------------------|---|----------------------|
| In the Matter of                    | ) |                      |
|                                     | ) |                      |
| Amendment of Part 90 of the         | ) |                      |
| Commission's Rules to Facilitate    | ) | PR Docket No. 93-144 |
| Future Development of SMR Systems   | ) | RM-8117, RM-8030     |
| in the 800 MHz Frequency Band       | ) | RM-8029              |
|                                     | ) |                      |
| Implementation of Sections 3(n) and | ) |                      |
| 332 of the Communications Act       | ) | GN Docket No. 93-252 |
| Regulatory Treatment of Mobile      | ) |                      |
| Services                            | ) |                      |
|                                     | ) |                      |
| Implementation of Section 309(j)    | ) |                      |
| of the Communications Act --        | ) | PP Docket No. 93-253 |
| Competitive Bidding                 | ) |                      |

To: The Commission

DOCKET FILE ONLY - NOT FOR

Request for Extension of Comment Date

The Industrial Telecommunications Association, Inc. ("ITA") respectfully requests an extension of 60 days in the comment and reply comment dates established for responding to the proposals advanced in the First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rule Making in the above-referenced proceeding.<sup>1</sup> For the reasons set forth below, ITA believes that an extension of 60 days would facilitate public participation in this proceeding and otherwise serve the public interest.

1. The Commission released its 800 MHz decision on

---

<sup>1</sup> First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rule Making (FCC 95-501), adopted December 15, 1995, released December 15, 1995 (hereinafter "800 MHz decision").

December 15, 1995. Immediately thereafter, the Commission and other federal agencies were shut down due to the stalemate in budget negotiations between Congress and the White House. For the duration of the time that the FCC was closed, it was impossible to obtain any official indication of whether the text of the 800 MHz decision had been released.

2. In fact, it was not until January 2, 1996 that ITA learned conclusively that the 800 MHz decision had been released. Thus, due to the closure of the FCC, ITA lost more than 15 days that otherwise would have been used to solicit input and comment on the proposals from ITA's Board of Directors, Government Affairs Committee and general membership. In this respect, ITA was fortunate. Other prominent private land mobile user associations did not learn that the Commission had issued its decision until January 11, 1996, when the federal government finally resumed normal operations.

3. An extension of 60 days in the comment and reply comment dates will promote meaningful input on the many critical matters under consideration in this proceeding. Further, in view of the extraordinary circumstances involved, fundamental fairness dictates that the Commission grant the requested extension.

4. Over the past decade, the Commission's press distribution procedures have been amended to the point that, under the current process, FCC licensees and affected

organizations have no option but to rely on commercial news services to obtain essential documents. In the case of the 800 MHz decision, the new distribution service to which ITA subscribes was not able to obtain its own copy of the decision until December 29th. Copies of the decision could not be distributed until January 2, 1996 (see attached summary of events provided by our news service).

5. The 800 MHz proceeding is too important not to provide a meaningful opportunity for public comment. Further, meaningful opportunity for comment is mandated by the Administrative Procedure Act. Accordingly, for the reasons stated above, ITA respectfully requests an extension of 60 days in the dates established for comment in this proceeding.

Respectfully submitted,

**INDUSTRIAL TELECOMMUNICATIONS  
ASSOCIATION, INC.**

By: 

Mark E. Crosby  
President and  
Chief Executive Officer

By: 

Frederick J. Day  
Executive Director,  
Government Relations

Dated: January 11, 1996



Berry  
Best  
Services  
Ltd.

1990 M Street NW  
Suite 740  
Washington DC 20036  
202/293-4964  
FAX 293-0287

January 2, 1996

Dear F.C.C. Release Client:

Today we are distributing the enclosed text, FCC 95-501, released by the FCC on December 15, 1995.

We apologize for the delay in distribution of this document. The text was released after 5:30 p.m. on the 15th; thus, we were unable to obtain a copy that day. On Monday morning, when we would have normally procured our copy, the Commission was closed due to the current government shutdown.

We finally managed to obtain a copy from another source last Friday afternoon. Your copy is attached.

Sincerely,

BERRY BEST SERVICES, LTD.